

CHAPTER I

INTRODUCTION

A. Background of the Study

Everyone has right to legal justice. Legal justice is the right of every citizen to get justice based on law regulations. In order to provide legal justice for everyone, law enforcement must be based on equality before the law. Equality before the law is the equality of all citizens from all classes of society to the law of the country administered by law courts(Dicey, 1982).However, the implementation is not carried out properly and caused struggle for legal justice for people from certain classes. Naturally, the middle to the upper class has the privilege of fulfilling their need of justice influences by their connections, money and positions, on the other hand, the lower classes who low-educated, have limited income and have no connection must accept the reality to struggle for legal justice they experienced. In addition, incompetent and unfairness of law enfocers also affects the lower class to get the legal justice, affirmed by (Al Amin Siregar, 2014) that shows law enforcers is not able to carry out their duties and do not have responsibility in a professional manner. The phenomenon of struggling for legal justice caused by social class is a growing problem confirmed by (Ashinta Sekar Bidari, SH, 2014)the application of law in today's society seems only apply to the lower class and is not work to the class owned position, practice law is only sharp when it is downward and it is blunt when dealing with upper classes.

The phenomenon of the struggle of lower class for legal justice not only attracted the attention of the legal community but also attracted director for raise into a literary work. One of the directors who interested in the issue is Kim Tae Yoon who raised the lower-class struggle for legal justice into the *New Trial* movie. The director concerns in the movie *New*

Trial that show how legal inequality happen caused by social class, we can see in defense for legal justice of the lower class reflected in the movie.

Kim Tae Yoon also known as Kim Tae Yun is a movie director from South Korea. Kim Tae Yoon was born on June 25, 1972 in South Korea. He directs some films that have similar theme and made based on true story, since his debut his screenwriter including *Mr. Zoo: The Missing VIP*, *Perfect Number*, *Insadong Scandal*, *A Cruel Attendance*, *Another Family* and *New Trial*.

One of the famous movies by Kim Tae Yoon is *New Trial*. *New Trial* also known as *Jaesim* tells about a 16 years old boy named Choi Hyun Woo the one and only witness to an incident of taxi driver murder case at Yakchon Crossing. He turned into the killer due to oppressive investigation and spent his 10 years in prison. Ten years later after his punishment, a lawyer with financial debt named Lee Joong Young interest with the case and meets Choi Hyun Woo.

The story of *New Trial* begins in August, 2000 when a boy named Choi Hyun Woo crossed Yackhon Crossing with his motorcycle accidentally grazed a man who was walking hurriedly. As soon as Choi woke up from the fall, he found a taxi driver across from him who killed in his car. Immediately the police and investigators come and questioned Choi Hyun Woo, the only witness at that time. Baek Chul Gi, a cruel investigator opens the seat of Choi Hyun Woo's motorcycle and finds a kitchen knife. Without an accurate investigation Choi Hyun Woo who is low educated, was turned into a suspect. He gets verbal and physical abuse from investigators for forced confessions, as a result the court found Choi Hyun Woo guilty and sentenced to 15 years in prison.

Choi Hyun Woo released after serving 10 years of his sentence because of a letter of apology to law enforcement he made in a stress condition. After being free his suffering did not stop just like that, the foundation that provided compensation to the taxi driver of the murder victim asked Choi Hyun Woo to return a refund whose value was interest over the course of 10 years. His mom, Soon Im asked for legal consultation from the Themis firm which at that time open a free legal consultation, this is where Choi's family meet with lawyer named Lee Joong Young who at the first interested in Choi Hyun Woo's case in order to get a good image.

The retrial for Choi Hyun Woo's case was approved. Furthermore, Lee Joong Young gathered evidence and witnesses that supported Choi Hyun Woo. Mr. Lee and

Choi encountered various obstacles in gathering evidence ranging from pressure from the authorities and also get manipulated witnesses. For his efforts, Lee Joong Young proved that the judiciary's handling was arbitrary in handling Choi Hyun Woo's case. As the result, all investigators who framed Choi Hyun Woo were convicted and Choi Hyun Woo reinstated from all charges on November 17, 2016 which means 16 years after the accident.

New Trial, starring Jung Woo as lawyer Lee and Kang Ha-neul as Choi Hyun Woo, this movie became a successful movie. The success of the *New Trial* in presenting a true story receives various responses. There are positive and negative responses from the viewpoint of audience, market and industry.

Positive responses from audience can find in movie review websites such as IMDb, Letterboxd and Rakuten Viki Review. That user says in different perspectives towards *New Trial* such as; New trial succeeds in telling the feeling of the victim and his family through the storyline, *New Trial* relate with legal justice nowadays this movie dares to touch flawed legal issues, and the last point out about the actor who success brings a level of emotion to a character. At the market view, *New Trial* belongs to successful movie. *New Trial* topped the South Korean box office and get over one million viewers for five days. Moreover, the *New Trial* film also proves the success which can be seen from the awards receive. *New Trial* receive a nomination for best planning movie in the 54th Grand Bell Awards and also the main cast even supporters cast also included in the awards nominations.

The *New Trial* which released on February 15, 2017 also receive negative responses. One of the comments come from View of the Arts by Maggie Gogler, an art journalist and film critic, who wrote even though it is titled a *New Trial*, this film is not framed the trial itself. Next, the audience review feels that the storyline is too dominated about dramatically friendship, police corruption and family, nothing more than that.

The appeals issue to current researcher is the struggle of the lower class to get their rights for legal justice as a phenomenon that visualized in the *New Trial* film. Because the researcher wants to find out what the writer wants to deliver to the audience.

Interesting points in the *New Trial* to be use as object of research can be seen from the structural elements of the movie:

First, character. The main character who is the center of attention in *New Trial*

is not a special person who has special skills like movies in general. *New Trial* appointed the common man as the main character, a boy who dropped out of school who has a strong desire and courage to struggle for legal justice. Actually the main character in *New Trial* comes from the lower class, this is one of the interesting points of this film because the lower class is a part of society that rarely gets attention. This shows that the film *New Trial* is a media speak up for the lower classes who are fighting for their rights.

Second, the plot in the film *New Trial* has the concept of causality, which means showing a causal relationship. The causality plot of *New Trial* is one of interesting points of the movie since literature work is a reflection of society, the causality plot shows that every event that occurs in society will have an effect. In the *New Trial*, it is described that improper law enforcement causes injustice so that the lower classes in society must fight for their rights.

Third, the use of a suitable style in present a story. Style in a film is a technique used by the director to give meaning in a film including visualization, lighting, audio etc. In the *New Trial* the director presents two visualization styles, namely documentary when telling or flashbacks of past events. On the other hand, *New Trial* also uses modern style to show the condition of the society when the trial is carried out. The switching of two-time segments in a film which divided using different styles is great for telling a film with an unusual theme.

The main issue in the *New Trial* movie that attracts the attention of researchers to conduct this research is how the movie shows the struggle of right to get legal justice of the lower class who blamed for actions did not done. Based on this reason, the researcher uses sociological perspective as a theory for analyze the issue in the movie. Therefore, the researcher decides to write this research with the title **IN DEFENSE OF THE LOWER CLASS TO STRUGGLE FOR THEIR RIGHT TO LEGAL JUSTICE REFLECTED IN KIM TAE YOON'S *NEW TRIAL* MOVIE (2017): A SOCIOLOGICAL PERSPECTIVE.**

B. Problems Statement

Based on the background study above the researcher provide the problems of the research into the following research questions:

1. What are the principles of legal justice reflected in the *New Trial* movie?
2. How is in defense for right to legal justice depicted in the *New Trial* movie?
3. Why did Kim Tae Yoon as the director address in defense of the lower class for

their right to legal justice in *New Trial* movie?

C. Objective of the Study

Based on the research questions above the objective of the study as follow:

1. To identify the principles of legal justice reflected in the *New Trial* movie.
2. To describe how in defense for right to legal justice depicted in the *New Trial* movie.
3. To reveal the reason why Kim Tae Yoon as the director address in defense of the lower class for their right to legal justice in *New Trial* movie.

D. Benefits of the Study

This research expected to give some benefits as follow:

1. Theoretical Benefits

To give contribution to the body of knowledge especially literary study in *New Trial*. It can give information for academic purpose by studying *New Trial* directed by Kim Tae Yoon.

2. Practical Benefit

Practically this research aimed to enrich me as the research and also other researcher especially for students University Muhammadiyah of Surakarta by learning sociology theory.